

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. § CIVIL ACTION NO.
§
\$22,456.00 IN U.S. CURRENCY AND §
2,500 IN EUROS §
Defendant in rem. §

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against \$22,456.00 in U.S. currency and 2,500 in euros and alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

Nature of the Action

1. This is an action to forfeit Defendant in rem to the United States pursuant to 31 U.S.C. § 5317(c)(2).

Defendant in Rem

2. Defendant in rem is \$22,456.00 in U.S. currency and 2,500 in euros that were seized from Rodrigo Gonzalez Velandia and Rosemary Morales Garcia on April 22, 2010, at the George Bush Intercontinental Airport in Houston, Texas.

Jurisdiction and Venue

3. This Court has jurisdiction pursuant to 28 U.S.C. §1335 because this is an action for forfeiture.

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1335 and 1339 (a) and (b) because:

- a. the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas;
- b. the property was found in the Southern District of Texas; and
- c. this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendant in rem is subject to forfeiture under 31 U.S.C. § 5317(c)(2). This section provides for the civil forfeiture of any property involved in violations of 31 U.S.C. §§ 5316 and 5324(c).

6. Under 31 U.S.C. § 5316(a)(1)(B), a person or an agent or bailee of the person shall file a report under subsection (b) of this section when the person, agent, or bailee knowingly transports, is about to transport, or has transported, monetary instruments of more than \$10,000 at one time to a place in the United States from or through a place outside the United States. Both United States and foreign currency are monetary instruments under 31 U.S.C. §5312(a)(3)(A).

7. Under 31 U.S.C. § 5324(c)(1), no person shall, for the purpose of

evading the reporting requirements of section 5316, fail to file a report required by 31 U.S.C. § 5316. Also under 31 U.S.C. § 5324(c)(2), no person shall, for the purpose of evading the reporting requirements of section 5316, file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact.

Facts

8. On April 22, 2010, Rodrigo Gonzalez Velandia and Rosemary Morales Garcia, husband and wife, arrived into the United States of America from Bogota, Columbia, aboard Continental Airlines flight #885 at the George Bush Intercontinental Airport, Houston, Texas. While being processed through customs, they presented to a U.S. Customs and Border Protection officer (CBP Officer) a U.S. Customs Declaration form on which Mr. Velandia stated that they were not carrying currency over \$10,000. Both Mr. Velandia and Mrs. Garcia stated verbally that they were carrying not more than \$7,000.

9. CBP Officers inspected Mr. Velandia and Mrs. Garcia's luggage. The officers found concealed in Mr. Velandia and Mrs. Garcia's laptop bag, Mr. Velandia's fanny pack, and Mrs. Garcia's purse various large quantities of currency. A CBP Officer counted all of the currency which amounted to \$22,456 in U.S. currency and 2,500 in euros, which is approximately \$3,331 in U.S.

currency. The total value of the funds discovered was approximately \$25,787.00.

The CBP officers seized these funds for forfeiture.

Relief Requested

10. Plaintiff requests a) an arrest Warrants and summons, citing all persons having an interest in the Defendant in rem to appear on the return day of process by filing a claim and answer pursuant to Rule G(5), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court, b) a judgment of forfeiture, and c) costs and other relief to which the Plaintiff may be entitled.

Dated: June 8, 2010.

Respectfully submitted,

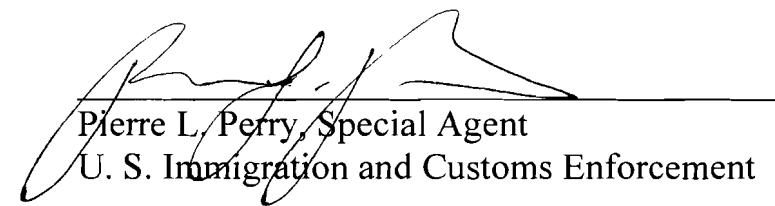
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VERIFICATION

I, Pierre L. Perry, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this verified complaint for forfeiture in rem, and the facts stated in this complaint are true and correct to the best of my knowledge and belief.

Executed on June 8, 2010.



Pierre L. Perry, Special Agent
U. S. Immigration and Customs Enforcement